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SUBJECT: LAOS: TIP INTERIM ASSESSMENT

REF: STATE 148541

11. Summary: While the GOL has made great strides in getting its legal house in order to combat human trafficking, and has also make progress in protecting returning trafficking victims, it needs to do more to address the growing problem of internal human trafficking. Post does not have updated information on prosecutions and has nothing new to report. The paragraphs below address the specific areas listed in Refel, paragraph 6, part E. End summary.

12. Anti-trafficking legislation: Although Laos does not have a single, comprehensive law against human trafficking, current legislation criminalizes the offense with stiff penalties, and includes specific provisions against force, fraud, and coercion. Under the Law on the Development and Protection of Women, Part IV "The Protection of Women and Children Against Trafficking and Domestic Violence," Chapter 1, Article 24, defines trafficking as the "recruitment, hiding, moving, transportation, transfer, harboring, or receipt of women within or across national borders, by means of deception, the giving or receiving of bribes, threats, the use of force, the use of other forms of coercion, abduction, debt bondage or by other means, for forced labor, prostitution, publishing pornography and what is in the contradiction to fine national culture, the removal of various body parts, or for other unlawful purposes." According to the law, trafficking "shall be regarded to have occurred" if the victims are children [of either gender] under age 18, "even though there is no deception, threat, force, or debt bondage." Laws to criminalize trafficking of all persons, including men, are also found under Article 134 of the Criminal Code, using the same definition. This article repeats the provision that crimes against children under age 18 are considered trafficking offenses even in the absence of force, fraud, coercion, or "financial constraints." There is an additional law passed in 2005 to specifically address trafficking in children across international borders.

Penalties for trafficking offenses include "privation of liberty" for 5 to 15 years and fines of 1000-5000 USD (note per capita income in Laos is approximately \$570 per annum). The penalty becomes 15-20 years imprisonment and fines of 10,000-50,000 USD under certain circumstances, including if the trafficker is a repeat offender, part of an organized group, the victim is a child, there is more than one victim in the case, the victim is seriously injured, physically maimed or has "lost mental faculties," or if the perpetrator is a close relative of the victim. Finally, if the victim dies, contracts AIDS, or is permanently disabled, the trafficker can be sentenced to death or life in prison and will face higher fines. The state can seize the assets of human traffickers in all cases.

13. Eliminating the practice of fining trafficking victims returning to Laos: In 2005, the Prime Minister ordered an end to the practice of fining or otherwise punishing victims of trafficking. In early 2007, the GOL abolished the rule requiring Lao citizens to get an exit permit to depart the country. The change in the law greatly assisted in reducing the practice of fining trafficking victims and migrant laborers, as local and immigration authorities can no longer "punish" victims for a violation of domestic law in failing to procure that permit. According to Post's contacts with IOM, various

UN agencies, and NGOs involved in anti-trafficking work, provincial and district authorities have "gotten the message," albeit grudgingly. None of the organizations we spoke to could identify a specific instance of identified trafficking victims forced to pay fines to local authorities for returning home. (Monitoring of returned victims, incidentally, has greatly improved, with IOM and AFESIP both working with local Departments of Labor and Social Welfare to track reintegration procedures and programs.) The Ministry of Labor and Social Welfare and other GOL parties continue to instruct provincial authorities that they cannot fine returning trafficking victims.

14. Combatting internal trafficking: The primary focus of the GOL continues to be on trafficking across international borders. There have been a few recent instances of efforts to address internal trafficking, including statements on the importance of combating internal trafficking by senior Lao government officials, but the bulk of the work is still centered on victims returning from abroad. While this is consistent with the current research on trafficking patterns for Laos, internal trafficking is likely to grow with the development of improved transportation networks. The Law Women's Union shelter, one of three shelters for trafficking victims in Laos, provides assistance primarily to victims of internal trafficking or domestic violence. Some small efforts to prevent internal trafficking and educate local authorities continue, as in the case of the June workshop for officials from the Ministry of Communication, Transport, Post and Construction and their local counterparts from northern provinces in June (road construction up north is seen as a potential risk factor for human trafficking).

15. Prosecution, including of public officials complicit in human trafficking: Post does not have new official information on law enforcement activity at this time. We will provide more information on the data when we have it from the Ministry of Public Security.

16. New developments: AFESIP and the Ministry of Labor and Social Welfare broke ground on a shelter for victims of trafficking in Savannakhet province, which should open next year. This will not only expand the resources available to provide services to victims but also allows victims to be cared for closer to home and will assist with monitoring reintegration efforts in the south. (Currently there are three shelters for trafficking victims, all in Vientiane.) In June, the Lao Bar Association began a legal aid clinic for victims of human rights abuses, including trafficking victims. The Bar Association is currently working on one case for a victim of internal trafficking and one of cross-border trafficking. Neither case has been referred to the police yet. The legal aid clinic, although small, is a promising avenue for victims of internal trafficking, since they do not have any formal 'screening' procedures that would identify them to the authorities and may need additional assistance in navigating the legal procedures to bring their traffickers to justice. Also in June, the GOL hosted a conference by U.S. professor Dr. Robin Haarr with over 100 officials, including representatives from the Ministry of Public Security, Ministry of Foreign Affairs, Ministry of Labor and Social Welfare, and a number of other offices. At the workshops, Dr. Haarr, Associate Professor of Criminal Justice & Police Studies at Eastern Kentucky University, reviewed the internationally-accepted definitions of trafficking and described the dynamics, causes, and impact of human trafficking on individuals and communities. Dr. Haarr traveled to Savannakhet to hold a similar workshop with about 40 local officials.

Post will cover additional significant developments in further detail when we submit our information for the annual TIP report.

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